

Texas for his approval on the 10th day of March, A. D. 1923, but was not signed by him nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—S. L. STAPLES, Secretary of State.]

Effective 90 days after adjournment.

CHIROPODY—DEFINING AND REGULATING THE PRACTICE OF, ETC.

H. B. No. 487.]

CHAPTER 169.

An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issuance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this Act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other States; for the revocation of licenses granted by the State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chiropody shall, for the purpose of this Act, mean the diagnosis, medical and surgical treatment of ailments of the human foot. Chiropodist shall mean one practicing chiropody.

SEC. 2. It shall be unlawful for any person to profess to be a chiropodist or to practice or assume the duties incident to chiropody, without first obtaining from the State Board of Chiropody Examiners a license authorizing the practice of chiropody in this State, except as hereinafter provided. No chiropodist shall amputate the human foot or toe or toes or use any anesthetic other than local.

SEC. 3. That at the first regular annual meeting of the State Board of Medical Examiners, after the passage of this Act, it shall select two physicians from its own membership and two graduate chiropodists, residents of this State, and actively engaged in the practice of chiropody, who together with the secretary of the State Board of Medical Examiners shall constitute the State Board of Chiropody Examiners who shall serve for a period of one year and until their successors shall have qualified. At its first regular annual meeting, the State Board of Medical Examiners shall in like manner each year select the State Board of Chiropody Examiners for the year.

SEC. 4. Examinations to procure a license to practice chiropody in this State shall be held semi-annually at such times and

places as the State Board of Chiropody Examiners shall fix. All applicants for a license to practice chiropody under the provisions of this Act shall have attained the age of twenty-one years and shall be of good moral character; they shall have had at least one year of instruction in and be graduates of some school of chiropody recognized as being in good standing by the State Board of Chiropody Examiners, provided, however, that after July 1, 1925, no school of chiropody shall be accredited by said board as a school of good standing which does not require for graduation a course of study of at least two years. Chiropodists actively engaged in the practice of chiropody for one or more years in the State of Texas, prior to July 1st, 1923, whether graduates or not, shall upon furnishing proof thereof to said board and upon payment of a fee of \$50.00 be entitled to a license without examination, and application for such licenses shall be filed with the State Board of Chiropody Examiners not later than sixty days after the passage of this Act, but not thereafter, and provided, further, that upon payment of a fee of \$50.00, a license without examination may be issued to chiropodists of other States, removing to this State, maintaining statutory requirements equal to those fixed in this Act for the practice of chiropody and extending the same reciprocal privileges, for the practice of chiropody, to this State.

SEC. 5. From and after the passage of this Act, any person, other than those exempt from examination under Section 4 of this Act, desiring a license to practice chiropody shall be examined by the State Board of Chiropody Examiners in the following subjects: Anatomy, chemistry, dermatology, diagnosis, materia medica, pathology, physiology, therapeutic clinical and orthopedic chiropody, limited in their scope to the treatment of the human foot. If the applicant possess the qualifications required by section 4 of this Act, and shall pass the examination prescribed with a general average of 75% in all subjects, and not less than 50% per cent in any one subject, he shall be issued a license by the State Board of Chiropody Examiners to practice chiropody in this State. Each applicant before taking the examination shall pay to the secretary of the State Board of Chiropody Examiners an examination fee of \$50.00. Any applicant failing in the examination, and being refused a license shall be entitled, at the expiration of six months from the time of such refusal, to a re-examination without the payment of an additional fee for such examination.

SEC. 6. All licenses shall be designated as "Registered Chiropodists," and shall not use any title or abbreviations thereof without the designation "Registered Chiropodist," practice limited to the foot, and shall not mislead the public as to their limited professional qualifications to treat human ailments. All licenses shall be recorded in the same manner as other medical licenses in the office of the district clerk of the county in which the licensee practices. Every registered chiropodist shall renew his license on July 1st, of each year by the payment to the secretary of the State Board of Chiropody Examiners for the State of Texas, a

fee of \$1.00, and if such renewal fee is not paid within three months subsequent to July 1st, of each year such license shall be considered revoked and shall only be reissued upon another application and examination, and the payment of the examination fee of \$50.00. All licenses granted under this Act shall be conspicuously displayed at the office or other place of practice of the licensee.

SEC. 7. The State Board of Chiropody Examiners may, after due hearing, refuse to grant or renew and may revoke any license issued under the provisions of this Act, to a person, otherwise qualified, who obtained such license by fraudulent representation or dishonesty in taking an examination; or who makes use of untruthful and improbable statements to patients or in his advertising or for habitual intoxication or for unprofessional and immoral conduct; or who gives away or sells drugs or alcohol for other than legitimate purposes in his practice, provided, however, that when a license has been granted it shall not be revoked or the renewal thereof refused without at least fifteen days' notice to the licensee, who shall be entitled to a hearing by the board, and shall have the right to be represented by counsel, and provided further, that at least ten days prior to the date of such hearing the licensee shall be notified of the filing of the charges and of the nature thereof.

Any person licensed to practice chiropody in this State whose license shall be cancelled by the State Board of Chiropody Examiners may, within thirty days after the cancellation thereof, and not thereafter, have his right of action for reinstatement against the State Board of Chiropody Examiners in the district court of Travis County. If the person whose license has been cancelled by the board shall, within ten days after receiving information of such cancellation, give notice to the secretary of the board in writing of his intention to file such suit, the action of the board in cancelling the license of such person shall be suspended for a period of thirty days, but unless such suit shall be filed within said time, the action of the board shall be final. If suit shall be filed against the board to reinstate such license within said time, the action of the board shall remain suspended until the validity of the license in question shall be adjusted by the court in said suit. In such suit, the burden shall be upon the person whose license was canceled, as plaintiff, to show cause for reinstatement of his license.

The board may, at its discretion, in case license has been revoked or the renewal thereof refused, reissue such license at the expiration of six months from the time such license was revoked.

SEC. 8. Each member of the State Board of Chiropody Examiners shall receive for his service the sum of ten dollars per diem and necessary traveling and incidental expenses, while actually engaged in the service of the board. The secretary shall receive his necessary expenses for services actually performed for the board. All printing, postage and other contingent expenses, necessarily

incurred in administering this Act shall be paid from the fees received by the board, and all expenses shall be itemized, verified, audited and an account kept thereof by the secretary of the board, who shall pay the same out of said fees which accrue to it.

SEC. 9. Any person who shall knowingly violate any of the provisions of Section 2 of this Act, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars (\$100.00), or be imprisoned in the county jail for a period not to exceed thirty days, and the license of any registered chiropodist who may be convicted for violation of said section shall be revoked by the board as is provided for in Section 7 of this Act.

SEC. 10. This Act shall not apply to the physicians licensed by the State Board of Medical Examiners of this State, nor to surgeons of the United States Army, Navy and United States Public Health Service, when in actual performance of their official duties.

SEC. 11. The importance of this legislation and the fact that there is no law covering or regulating the practice of chiropody in this State creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House and that this Act shall take effect and be in force from and after its passage and said rule is hereby suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing Act passed the House of Representatives, no vote given; and passed the Senate, no vote given.]

[NOTE.—The foregoing Act was presented to the Governor of Texas for his approval on the 6th day of March, A. D. 1923, but was not signed by him nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.—S. L. STAPLES, Secretary of State.]

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